

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed December 2, 2004. Upon entry of the amendments in this response, claims 1 – 35 remain pending. In particular, Applicants amend claims 2 and 3. Reconsideration and allowance of the application and presently pending claims are respectfully requested. In addition, Applicant does not intend to make any admissions regarding any other statements in the Office Action that are not explicitly referenced in this response.

I. Allowable Subject Matter

The Office Action indicates that claims 32 – 35 are allowed. Applicants wish to express their appreciation for the allowed claims.

II. Provisional Obviousness-Type Double Patenting

The Office Action indicates that claims 1 - 31 stand provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 17, 31 and 45 of copending Application 09/800,735. Specifically, the Office Action indicates that although the conflicting claims are not identical, they are not patentably distinct from each other because elimination of an element and its function provides no patentable difference. The Office Action also indicates that claims 1, 12, 16, 20, 27, 30 and 31 are encompassed by claims 1, 17, 31, 45, 1, 17 and 1 respectively of Application No. 09/800,735. In response, Applicants timely file a terminal disclaimer in compliance with 37 C.F.R. §1.130(b).

III. Rejections Under 35 U.S.C. §112

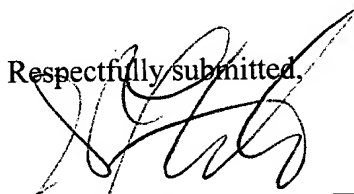
The Office Action indicates that claims 2 – 11 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In response to the Office Action's request, Applicants have amended claims 2 and 3 to fully comply with 35 U.S.C. §112. Applicants submit that these amendments comply with the Office Action's request.

In addition, dependent claims 4 – 11 are believed to be allowable for at least the reason that these claims depend from allowable claim 3. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1 – 35 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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